

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-090211

01/30/2012

HONORABLE JAMES P. BEENE

CLERK OF THE COURT

C. Gauna
Deputy

IN RE THE MATTER OF
AARRON BRASKETT

AARRON BRASKETT
4848 E ROOSEVELT #1036
PHOENIX AZ 85008

AND

MELANIE RENE VAN KORT

MELANIE RENE VAN KORT
P O BOX 40244
MESA AZ 85274

STEPHANIE A STROMFORS
DOCKET-FAMILY COURT-SE
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

APPOINTMENT OF BEST INTERESTS ATTORNEY FOR CHILD

Pursuant to the minute entry dated January 30, 2012,

IT IS ORDERED appointing Stephanie A. Stromfors as a Best Interests Attorney to represent the best interests of the child. According to Rule 10(E), Arizona Rules of Family Law Procedure effective January 1, 2006, a Child's Attorney or a Best Interests Attorney shall participate in the conduct of the litigation to the same extent as an attorney for any party. The Best Interests Attorney shall attend all hearings and to participate in trials or evidentiary hearings by offering evidence, examining witnesses, etc. The Best Interests Attorney shall not submit a report or testify in court. If the Best Interests Attorney chooses to waive his or her appearance at a proceeding, the Best Interests Attorney's position will not be presented to, or considered by, the Court.

While in the past, the reason for appointing or continuing a *guardian ad litem* (a category of appointed lawyer that no longer exists under the new rules) in a family court case may have

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been to determine whether there were grounds to file a dependency petition in the case, the new rules include no such standard. The role of the Best Interests Attorney is to assist the Court to determine what is best for the child. The fact that there is no basis to file a dependency petition is not grounds for release from appointment as a Child's Attorney, Best Interests Attorney or Court-Appointed Advisor.

IT IS FURTHER ORDERED that this appointment shall continue until the entry of a Decree, Order or Judgment that fully adjudicates all pending custody and parenting time issues unless the Best Interests Attorney is earlier released by the Court.

IT IS FURTHER ORDERED that the Best Interests Attorney shall have authority to:

- a) Meet with the child;
- b) Meet and interview the parents, spouses, significant others, and all adults living in the household;
- c) Visit the home(s) of the parents to determine if the environments are appropriate for the child;
- d) Investigate and review both parents', their spouses' and significant others' backgrounds with regard to criminal arrests and convictions;
- e) Determine if drug testing by either or both parents is needed;
- f) Review the child's school/daycare records, Parenting Skills records, psychological evaluations, and counseling records;
- g) Visit and interview the child's daycare provider; and
- h) Review law enforcement, court, or Child Protective Services reports concerning the child.

IT IS ORDERED that any and all day care, schools, school districts and personnel thereof shall fully cooperate with the Best Interests Attorney representing the child in this action by allowing access to all educational records of the child, including but not limited to records pertaining to day care/school attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with him/her.

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IT IS FURTHER ORDERED that any and all hospitals, doctors' offices and personnel thereof shall fully cooperate with the Best Interests Attorney representing the child in this matter by allowing access to all medical/dental records of the child, including but not limited to records pertaining to diagnosis, treatment, and prognosis, and shall discuss the contents and meaning thereof with him/her.

IT IS FURTHER ORDERED that any and all police department, sheriffs' department, law enforcement agencies, and personnel thereof shall fully cooperate with the Best Interests Attorney representing the child in this matter by allowing access to all police/sheriff/law enforcement records and reports of the child's parents, stepparents, or significant others of the parents, including but not limited to records pertaining to arrests, convictions, and narrative reports.

IT IS FURTHER ORDERED that Child Protective Services, the Department of Economic Security, the Department of Health services and personnel thereof shall fully cooperate with the Best Interests Attorney representing the child in this matter by allowing access to all records and reports of the child, child's parents, stepparents, or significant others of the parents, including but not limited to records pertaining to sexual abuse, parenting skills, behavior, psychological/psychiatric evaluations, and allegations of child abuse, sexual abuse and neglect.

The Best Interests Attorney shall attend all court hearings concerning the children unless excused by the Court upon written motion, and shall participate in the conduct of litigation to the extent authorized by Rule 10, Arizona Rules of Family Law Procedure.

The Best Interests Attorney has limited immunity consistent with Arizona case law applicable to Officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Best Interests Attorney shall be brought to the attention of the Court in writing.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

Dated this 30th day of January, 2012

/S/ HONORABLE JAMES P. BEENE

JAMES P. BEENE
SUPERIOR COURT JUDICIAL OFFICER

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.